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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,573	07/03/2003	Donald T. Caparro	M-15201 US	7471
32605	7590	05/18/2006		
MACPHERSON KWOK CHEN & HEID LLP 1762 TECHNOLOGY DRIVE, SUITE 226 SAN JOSE, CA 95110			EXAMINER KOHNER, MATTHEW J	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/614,573		CAPARRO ET AL.	
	Examiner		Art Unit	
	Matthew J. Kohner		3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 23-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 4, 12 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of claims 1-22 in the reply filed on Feb. 21, 2006 is acknowledged.

Claims 23-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on Feb. 21, 2006.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 13-16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "handled in the same manner as" is unclear and vague. One of ordinary skill in the art would not be able to determine what action or actions are encompassed by this terminology.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3653

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,861,608 to Koduri et al. (hereinafter “Koduri”).

In regard to claims 1 and 13, Koduri disclose an output frame (waffle pack, 30) for a die sorter, comprising:

- at least one channel (see Fig. 4, #30) along the upper surface of the output frame, wherein the channel holds a plurality of die carriers (pockets, 32) and has an open end and a closed end (top end of waffle pack is open, while the bottom is closed);
- a barrier (bottom of frame) located at the closed end of each channel; and
- a retention mechanism (the grid matrix retains the dies by holding them between the wall members) for each of the plurality of die carriers, wherein the retention mechanism is along a side of the channel and biases the die carrier against the opposing side of the channel.

In regard to claims 11 and 16, see Fig. 4, #30.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5-10, 14, 15, 17, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koduri.

In regard to claims 3, 5, 7, 8, 10, 14, 15 and 22, Koduri does not specifically disclose the dimensions of the waffle pack or its pockets. However, Koduri does disclose the other structural features of the claim language. Therefore, a mere change in the dimensions would have been obvious to one of ordinary skill in the art at the time the invention was made. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Further, in regard to claims 6, 7, 8 and 9, see Fig. 4, #30.

In regard to claim 17, Koduri discloses a die sorter for sorting die contained in square die carriers, comprising:

- a plurality of wafer frames containing the die, wherein the wafer frames (11) are capable of being loaded and unloaded (at 102) from the input wafer cassette;
- a first wafer frame handler (102) for loading and unloading the wafer frames;
- a plurality of adapter frames (30), wherein the adapter frames are capable of being loaded and unloaded (at 106) from the output wafer cassette, and wherein the adapter frames comprise at least one recess (32) capable of holding a plurality of die carriers having an open end and a closed end;
- a second wafer frame handler (106) for loading and unloading the adapter frames; and
- a die sorting mechanism (see abstract) to sort the die onto the die carriers on the adapter frames.

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While Koduri does not specifically disclose the cassettes for the input and output wafers, a holder for the wafer from which the loading stations (102, 106) would take the wafers from would have been obvious to one of ordinary skill in the art at the time the invention was made.

In regard to claim 21, Koduri disclose a retention mechanism in that the grid matrix retains the dies by holding them between the wall members.

#### *Allowable Subject Matter*

Claims 4, 12, 19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939.

The examiner can normally be reached on Mon-Fri 9-5:30.

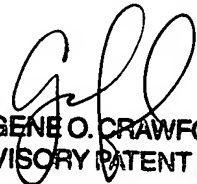
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J. Kohner  
Examiner  
Art Unit 3653

mjk

  
**GENE O. CRAWFORD**  
**SUPERVISORY PATENT EXAMINER**